



U.S. Department of Justice

United States Attorney

Eastern District of Pennsylvania

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January 15, 2014

John Miravich, Esquire
Eagleview Corporation Center
Fox Rothschild, LLP
747 Constitution Drive, Suite 100
P.O. Box 673
Exton, PA 19341-0673

Re: United States and Commonwealth of Pennsylvania v. City of Reading, PA
Civil Action No. 04-cv-5696

Dear Mr. Miravich:

The Consent Decree in Civil Action 04-5696 contemplated that the City of Reading would take all measures necessary: to comply with the Clean Water Act and the water pollution control laws of the Commonwealth of Pennsylvania; to ensure compliance with the City's NPDES permit limitations and requirements; to ensure proper operation and maintenance of the sewage treatment plant and collection system; and to effectively implement the pretreatment program.

The parties have been monitoring the Consent Decree progress and engaging in dialogue with the City since its lodging in December 2004. The City has made progress in some areas including the recent completion of certain tasks regarding the GIS mapping of the Sanitary Sewer Collection System and Storm Water Collection System, and is considerably behind schedule in others including construction completion for upgrades of the existing wastewater treatment plant. The parties have negotiated modifications to the Consent Decree to address the deadlines contained in the Decree.

Additionally, the City has experienced large volume Sanitary Sewer Overflows due to the failing collection system infrastructure. On behalf of the U.S. Environmental Protection Agency (EPA) and the Commonwealth of Pennsylvania, the United States hereby demands that the City pay stipulated penalties in the amount of \$150,000 for Sanitary Sewer Overflows that occurred in 2011 (see Enclosure). Pursuant to Paragraph 63 of the Consent Decree, the United States considered the efforts of the City to remedy Sanitary Sewer Overflows and improve efficiency at the wastewater treatment plant, including the 42-inch force main emergency repair project and commitment to

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rehabilitate the anaerobic digesters, on reaching this demand.

Pursuant to Paragraph 59 of the Consent Decree, one half of this amount is to be paid to the United States and one half to the Commonwealth of Pennsylvania. All stipulated penalties payable to the United States shall be paid in accordance with the procedures set forth in Paragraph 49 of the Consent Decree. All stipulated penalties payable to the Commonwealth of Pennsylvania shall be paid in accordance with the procedures set forth in Paragraph 50 of the Consent Decree with the only modification being that the same be sent to the attention of David Gates, Environmental Protection Compliance Specialist in substitution for the recently retired Lee Yohn, Compliance Specialist.

Your cooperation in this matter is appreciated. If you have any questions regarding this matter, please contact AUSA Civil Chief Margaret Hutchinson at (215) 861-8282.

Sincerely,

ZANE DAVID MEMEGER

United States Attorney

MARGARET L. HUTCHINSON
Assistant United States Attorney
Chief, Civil Division

Enclosure

cc: Christopher Day, EPA
Lisa Trakis, EPA
Gary Hepford, PADEP
Shawn Arbaugh, PADEP

RD#0000606